

REMARKS

By this amendment, claims 5, 7, 8, 9, 11, 13, and 15 remain in the application. New independent claim 23 and dependent claims 24-27 have been added. Now new matter has been added. Claims 1-4, 10, 12, 14 and 16-22 have been canceled without prejudice or disclaimer.

Claims 5, 6, 8, 11, 13, 15 and 16 were rejected under 35 U.S.C. § 112, first paragraph. These claims now depend from new independent claim 23 and therefore withdrawal of the rejection is respectfully requested. Claim 16 has been canceled.

Claim 11 was rejected under 35 U.S.C. § 112, second paragraph. Claim 11 has been amended to provide antecedent basis for the “angled portion of the strut.” Withdrawal of the rejection is respectfully requested.

Claims 2-4, 6, 7, 9, 11, 13, 14, 16, 18, 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Van der Burg, et al. (U.S. Patent No. 6,994,092) in view of Bosma, et al. (U.S. Patent No. 6,241,746). Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Van der Burg, et al in view of Bosma and further in view of Bosma, et al. (U.S. Patent No. 6,443,972). Claims 8 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Van der Burg, et al. in view of Bosma, et al. and in further view of Gilson, et al. (U.S. Publication No. 2002/0058911).

To expedite and simplify prosecution, independent claims 18, 21, 22 have been canceled without prejudice or disclaimer. This obviates the rejections of these claims. New independent claim 23 has been added, with the former dependent claims amended to change their dependency to depend from new claim 23.

Claim 23 recites a vessel filter comprising a tubular member having a longitudinal axis and a plurality of elongated cutouts formed therein extending along the longitudinal axis and forming a series of elongated spaced apart struts separated by the cutouts. The filter is movable between a first insertion configuration and a second deployed configuration, each of the spaced apart struts in the deployed configuration forming longitudinally extending struts extending substantially parallel to the longitudinal axis of the filter to form a mounting section and each including a first inwardly bend region at a first end bending towards a center of the filter to transition to a first section and a second inwardly bend region at a second end bending towards a center of the filter to transition to a second filter section. The first filter section terminates in a first tubular portion and the second filter section terminates in a second tubular portion. The first bend region is positioned distal of the first tubular portion and the second bend region is positioned proximal of the second tubular portion such that a first imaginary line tangent to the

first bend region does not intersect the first tubular portion and a second imaginary line tangent to the second bend region does not intersect the second tubular portion such that the first imaginary line is distal of the first tubular portion and the second imaginary line is distal of the second tubular portion.

None of the prior art, taken alone or in combination, satisfies the recitations of claim 23 and therefore claim 23 is believed patentable. For example, in the marked up version of Van der Burg on page 5 of the Office Action, it is clear that the bend regions are not proximal and distal of the respective tubular portions and a tangent line passing through the bend portions intersects the tubular portion.

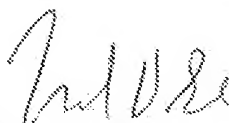
Note claims 4-9, 11, 13, 15 and 16 and new claims 24-27 depend from independent claim 23 and are therefore believed patentable for at least the same reasons as claim 23 is believed patentable. Note also that neither Bosma nor Gilson cure the deficiencies of Van der Burg.

Applicants respectfully submit that this application is now in condition for allowance. Prompt and favorable reconsideration of the present application is respectfully requested. The Examiner is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to Deposit Account No. **50-1567**. In the event any extensions of time are required with this Amendment, please treat this paper as a petition for such extension. The Commissioner is hereby authorized charge the required extension fee pursuant to 37 C.F.R. §1.17, to Deposit Account No. **50-1567**.

Respectfully submitted,

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